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9 Attorney for Defendant, GLENDA ABALOS-

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11 **UNITED STATES DISTRICT COURT**
12 **SOUTHERN DISTRICT OF CALIFORNIA**
13 **(Hon.William Q. Hayes)**

14 UNITED STATES OF AMERICA,)	Case No. 08 CR 1557-WQH
)	
15 Plaintiff,)	DECLARATION OF PAUL TURNER IN
)	SUPPORT OF EX PARTE APPLICATION
16 vs.)	FOR ORDER COMPELLING THE
)	PRESERVATION OF EVIDENCE
17 GLENDA CASTILLO ABALOS,)	
)	
18 Defendant.)	

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20 I, PAUL D. TURNER, declare as follows:

21 1. I am an attorney licensed to practice in the courts of the State of California and
22 before this Court. I have personal knowledge of the facts set forth in this declaration, and if
23 called to testify, could competently testify to the following facts.

24 2. I have been appointed by this Court to represent GLENDA ABALOS, in the
25 above-entitled case. Ms. ABALOS was indicted on for violation of Title 21 U.S.C. § 841(a)(1);
26 Possession of Marijuana with Intent to Distribute.

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3 3. I have learned that on or about April 30, 2008, Ms. ABALOS was stopped at the
4 I-8 checkpoint east of Alpine. She was the sole occupant and driver of one red Dodge Stratus.
5 Ms. ABALOS was instructed to go to secondary, where a search of the vehicle revealed
6 approximately 114 kilograms of marijuana contained in the trunk of the vehicle.

7 4. In order to properly prepare for trial in this matter, is entitled to inspect the
8 vehicle, view any video tape that may exist of the secondary inspection of the vehicle, and to
9 examine and weight the contraband allegedly found in the vehicle.

10 5. I have found that with similar cases handled within this District, the contraband
11 and any inspection video tapes have been destroyed *within 30 days* of the seizure of such
12 evidence. Additionally, on some occasions, the vehicle involved in these types of cases is
13 prepared for auction within 30 days of seizure, and any evidence that may be obtained by the
14 defendant is compromised.

15 6. On May 22, 2008, I appeared before Magistrate Stormes on this matter and
16 requested an order compelling the preservation of the vehicle, contraband, and inspection
17 videotape in this case. Magistrate Stormes informed me that because the case was indicted, any
18 orders regarding evidence would have to be made by the District Court Judge.

19 7. The motion hearing for this matter is scheduled to be heard on June 23, 2008 at
20 2:00 p.m. before this Court. Because the motions in this matter will not be heard until nearly 60
21 days after seizure of the evidence, I believe that without an order the evidence described above
22 may be destroyed prior to Defendants opportunity to bring a formal noticed motion.

23 8. On May 27, 2008, I spoke with Assistant U.S. Attorney Chris Tenorio, who has
24 been assigned to this case. At that time, I informed him of my concerns about the preservation of
25 this evidence and my intention to seek an ex parte order compelling the preservation of the
26 vehicle, contraband, and inspection videotape in this case. At that time, he informed me that the

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Government would have no objection to the application.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed this 27th day of May 2008 at San Diego, California.

/s/ _____
PAUL D. TURNER, Attorney for
Defendant, GLENDA ABALOS